



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,944	12/06/1999	JEAN-MARC DIMECH		3284

7590 07/09/2003  
Eugene C Rzucidlo Esq  
GREENBERG TRAURIG LLP  
885 Third Avenue 21st Flr  
New York, NY 10022

EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
----------	--------------

2682

DATE MAILED: 07/09/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

12

# Office Action Summary

Application No.  
09/380,944

Applicant(s)

Dimech

Examiner

Charles Craver

Art Unit

2682



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 17, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Sep 10, 1999 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 2682

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 6, 7, 14, 15, 17, 18 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lodenius, US Pat 5,799,091.

**Claims 1 and 6:** Lodenius discloses a process for transmitting data between a radio communications network (col 1 lines 13-28) that inherently transmits data at a specified rate (via GSM) and a data processing means (FIG 1, col 2 lines 32-67) comprising a PC linked to the network by a terminal means (100, col 3 lines 1-37), the terminal means including data adaptor means (300) through which the data flows (via 102, col 5 lines 30-45) under the control of sequencing means (320) in which the sequencing means is locked to the rate of the network for synchronizing the flow of data through the adaptor means (col 4 line 63-col 5 line 4, col 4 lines 43-55). **Claim 7:** the locking means would inherently utilize a time base. **Claim 14:** Lodenius discloses that the processing means is comprised of a circuit in said module (col 2 lines 42-67).

**Claims 15, 17, 18 and 25:** Lodenius discloses a radiotelephone (col 2 lines 55-56).

Art Unit: 2682

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodenius as applied to claim 1 above, and further in view of Selin, US Pat 5,903,849.

**Claim 2:** while disclosing applicant's invention of claim 1 above, Lodenius fails to disclose the use of a buffer means for synchronizing the data.

Selin discloses an analogous art, that is, means for synchronizing a radiotelephone with a PC via adaptor means (FIG 1A, col 5 lines 9-47), wherein the adaptor means may comprise buffer means (reads register, col 6 lines 3-25, col 3 lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Lodenius, as it would smooth out the flow of data. **Claim 3:** said buffer would inherently be controlled by controlling means. **Claims 4 and 5:** filling and removing data from the buffer would be inherent in the combined invention of Lodenius in view of Selin. The extraction signal would be provided by the master clock, which Lodenius teaches is

Art Unit: 2682

synchronized to the network (see claim 1 above). Lodenius further discloses encoding the data (via 300).

**Claim 16**, which depends on claim 15: While not disclosing that the data originates from the internet, the internet was notoriously well known at the time of the invention, and as such the examiner takes Official Notice of such a limitation. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize internet communications in the mobile radio of Lodenius in view of Selin, given the popularity of messaging and wireless E-mail, so as to allow the user more flexibility in his or her wireless usage.

5. Claims 8, 11, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodenius as applied to claim 7 above.

**Claim 8:** while disclosing applicant's invention of claim 7 above, Lodenius fails to disclose frequency dividers to divide the rate of the network to control data exchange. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Lodenius, as it would allow the unit to operate properly given the different data rates and coding schemes used by Lodenius (col 5 lines 30-45). **Claim 11:** Lodenius discloses that the adaptor means carries out the adaptation in synchronism with the interface exchange means (col 4 line 63-col 5 line 7 and 30-45). **Claims 19 and 22:** Lodenius discloses a radiotelephone (col 2 lines 55-56).

Art Unit: 2682

6. Claims 9, 10, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodenius as applied to claim 8 above, and further in view of Selin.

**Claims 9 and 10**, which depend on claim 8: Please see the rejection of claims 2-5 above.

**Claims 20 and 21**: Lodenius discloses a radiotelephone (col 2 lines 55-56).

7. Claims 12, 13, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodenius as applied to claim 11 above, and further in view of Selin.

**Claims 12 and 13**, which depend on claim 11: Please see the rejection of claims 2-5 above. **Claims 23 and 24**: Lodenius discloses a radiotelephone (col 2 lines 55-56).

### ***Response to Arguments***

8. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Sullivan, Clark, Grob, Suomi, Willkie and Yoshida disclose means for connecting a PC to an RF network.

**10. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Art Unit: 2682

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington VA, sixth floor (receptionist).


11. Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
Vivian Chin, can be reached on (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 305-4700.

cc

C. Craver  
June 25, 2003

  
**CHARLES CRAVER**  
**PATENT EXAMINER**